

COX048348 - Cherokee Metro District – *I understand that final construction is not set to be complete until 2022. Is that still the case, and should we expect to see the TDS violations continue until then?*

Yes- note, this is a groundwater discharge

CO0020281 - Del Norte – *BOD hits. Is the 2008 order still open? Given how old that order is, one might not expect that its terms would address new BOD exceedances.*

The Division and the Town recently reached a settlement agreement regarding the 2008 order. The Division is currently drafting a Compliance Order on Consent and a Penalty Order for the Town. The recent BOD exceedances observed at the end of 2016 and early 2017 were believed to be a result of lagoon treatment efficiencies struggling in cold weather. As the ambient temperatures rose, the facility began to return to compliance. The April 2017 DMR contained no effluent exceedances. The Town attempted to adjust the treatment by adding extra bioscrubber in the hopes of boosting the biological life in the plant. The Division will complete the Compliance Order on Consent and Penalty Order, and will continue to monitor compliance going forward. If concerns are not adequately addressed by the Compliance Order on Consent, the Division will escalate any non-compliance through enforcement as necessary and issue a new Notice of Violation / Cease and Desist Order if warranted.

CO0020508 - Evans WWTF – *Oct. and Jan. BOD hits. Construction of new facilities was to commence August 2016. Is that happening?*

In a letter dated August 19, 2016, the City of Evans stated construction of the new BNR Consolidated WWTP had begun. In a March 1, 2017, letter the City provided an update on progress with the project and construction for the new lift station portion of the project has also begun. The City is making timely progress and at this point is still stating the construction completion will be achieved in Spring 2018.

CO0026671 - Longmont WWTF – *Report on completion of required work on facility on-site construction was due Nov. 2016. Status of that report?*

A compliance advisory for the compliance schedule, Activities to Meet Total Ammonia, milestone for Complete Required Work or On-Site Construction, due 11/30/2016 was sent on April 21, 2017. To date the Division has not yet received a response to the compliance advisory. While failure to submit the notification is a violation of the Permit, data suggests the facility is able to meet the ammonia limits that took effect on December 1, 2016. The Division will continue to monitor the facility's effluent data and escalate any exceedances accordingly. Additionally, the Division will attempt to obtain a response/report from the facility certifying construction complete or that no construction was necessary to meet the now effective effluent limits.

CO0040789 - Pueblo West Metro District – *An earlier QNCR status report from Mike said that the facility is unable to meet its new limit – Selenium, copper, zinc, not sure which parameter because there are no hits in ECHO. But the facility could not achieve the schedule event for final compliance.*

In the current permit, effective October 1, 2014, the limits for selenium, copper, and zinc are report only. As a result, the facility is not in violation of the permit for selenium, copper, or zinc. The current permit has a compliance schedule for cadmium, for which the limit took effect on October 1, 2015. The facility has not submitted the final study results to show compliance has been attained with the final cadmium limitations which was due September 30, 2015; however, there are no violations since the limit took effect. The Division will contact the facility and obtain the study results from the facility in order to close the compliance schedule in ICIS.

Regional WWTF (CO0041840) – *New to QNCR with a total arsenic hit in the second quarter.*

The January 2017 DMR reported <0.5 µg/L and the February 2017 DMR reported <0.9 µg/L. The limit is 0.076 µg/L, the data likely should have been reported as BDL (below detectable level). However, the March 2017 DMR reported 1.1 µg/L which does exceed the permit limit. The Division sent a compliance advisory for the January 2017 DMR on March 17, 2017, for the February 2017 DMR on April 28, 2017, and will be sending a

compliance advisory for the March 2017 DMR by May 26, 2017. If the facility has not responded to any of the compliance advisories, the Division will escalate the effluent violations accordingly.

CO0023850 - Rocky Ford WWTF – *Were the three missing DMRs from 2015-2016 ever received?*

The August and July 2016 DMRs for outfall UST1-A were received on time. However, UST1-A is the DMR for instream temperature monitoring. A cover letter was attached to the DMRs stating the in stream monitoring equipment was not installed until September 15, 2016. The permit required the installation of the monitoring equipment to be completed by April 30, 2016. To date the Division has not received the April 2015 DMRs from the Town of Rocky Ford. The Division has nearly completed the penalty calculation for the open enforcement action against the Town and intends to begin settlement negotiations soon. The delinquent DMRs and failure to install the instream temperature monitoring equipment are among the violations included in the penalty calculation.

CO0020834 - Steamboat Springs WWTF – *Has the January DMR for monitoring only at 100-1 been received?*

As a result of permit coding errors in ICIS, the facility was not able to enter the newly required data on the DMRs for the permit which took effect on January 1, 2017. The facility submitted data on their old DMRs with a cover letter stating that all monitoring was conducted and there were no exceedances of the Permit. The coding issue was resolved on April 24, 2017. A compliance advisory for the January and February 2017 missing data was sent dated May 12, 2017. The Division will follow up with the facility to ensure the data collected is received.

CO0026247 - Sterling – *Has the Oct 2016 DMR for monitoring only at 300-1 been received? Also, facility was to commence required construction pending Division approval of final design. Has this not happened?*

The October 2016 influent DMR (300-I) has been received by the Division. With regards to the compliance schedule for Activities to Meet T.I.N. Final Limits - Commence Required Work of Construction, the Division sent a compliance advisory dated April 21, 2017, regarding the milestone due date of October 31, 2016. The Division received a response from the City of Sterling on May 4, 2017, stating the milestone would not be met. The letter stated, "Completing preliminary design of the recommended improvements, obtaining Site Location Approval, completing final design, obtaining design approval, and constructing the recommended improvements is expected to take between three (3) and four (4) years and cost approximately \$30,000,000. These improvements will not be complete until 2020 or 2021 even if everything proceeds smoothly, therefore the T.I.N. permit compliance date of October 31, 2017 will not be met." The current permit for the City of Sterling was administratively continued upon the permit expiration on February 28, 2017, and therefore the City is unable to request an extension to the current compliance schedule through a permit modification. The Division is currently evaluating the issues surrounding this compliance schedule and examining what the best enforcement path will be concerning this facility. The Division intends to have discussions with the facility to learn why action regarding the compliance schedule was not taken prior to the milestone due date and expiration of the permit if the knowledge that an additional three to four years were going to be required for the project needed to meet final T.I.N. limits.

CO0031755 - Vista WWTF – *Have the Oct-Nov 2016 DMRs for monitoring only at 300-1 been received?*

The facility contacted the Division prior to completing the October 2016 DMR to notify the Division the flow meters went down. The facility did not have back up flow meters and as a result was not able to report certain parameters. The facility has since corrected the issue. The October and November 2016 DMRs are valid violations as a result of equipment failure. The division does not intend to take action at this time.

CO0047091 - Woodmen Hills Metro District – *Explanation for why facility is failing WET And BOD in 2015-2016 despite the 2015 enforcement action? Is there a time lag here in returning to compliance?*

Per the Compliance Order on Consent issued 3/12/15, a long term compliance schedule was agreed upon so that a new mechanical treatment plant will be completed in 2018. So far, Woodmen Hills has met all the compliance requirements set forth in the Compliance Order on Consent. In addition, Woodmen Hills has

attempted and completed several interim measures to optimize the current treatment system. That said, given the constraints associated with Woodmen Hills' current lagoon system, consistent compliance will remain difficult until the new treatment plant can be completed.

CO0048445 - Erie North WRF – *Mike Harris reported last year that the rolling average keeps coming down, but the facility is still exceeding it. Why does the state not enforce against this limit?*

The facility had been making progress in lowering the 2-Year Rolling Average for copper, but recently struggled to continue that trend in the warmer months. Looking back to January 1, 2011, the facility has not exceeded the copper limits for the 30-Day Average or the Daily Maximum. The current permit took effect on February 1, 2011 and was administratively continued following its expiration on January 31, 2016. The facility had requested to modify the permit, unfortunately due to the admin continued status of the permit, that is not an option for the Town of Erie at present. The Town received new preliminary effluent limits (PELs) on June 2, 2016, which eliminate the requirement for the 2-Year Rolling Average for copper. The Town is currently working on a plant expansion project and has requested the new PELs be incorporated into the permit renewal. In addition to the plant expansion project, the Town has contacted a consultant to begin a corrosion control study in a continuing effort to minimize the amount of copper entering the facility through the drinking water system. As a result of the Town is diligently working to minimize influent copper, the Town's current expansion project, the new PELs eliminating the 2-Year Rolling Average for copper requirement, and the Division's backlog for permit renewals resulting from a lack of funding/resources; the Division has not escalated the rolling average copper exceedances in this case to a formal enforcement action. The Division will continue to monitor the Town and expect updates on the progress of both the expansion project and the corrosion control study. If warranted in the future, the Division will escalate the need for enforcement for the Erie North Water Reclamation Facility.

CO0041351 - Fort Morgan Western Sugar – *What is the status of negotiation of new terms in the consent decree?*

We are waiting to hear back from WS on our draft.

CO0038334 - London Water Tunnel - *What is the status of the purchase/sale of the mine and ensuing treatment upgrades?*

The purchase/ sale agreement was executed in fall 2016. The WQCD and other relevant parties entered into a settlement agreement in August 2016 that resolved previous violations and outlines a schedule for MineWater to implement in-situ treatment (done) and seek a site specific standard (if needed) to achieve compliance with the permit by 9/30/2018. The permit will remain admin continued until that time. Effluent data looks promising.

CO0000221 - Seneca Mine Complex - *My interpretation of the last QNCR report from Mike was that the March 2016 sampling at monitoring points 3 and 5 were completed but that there was a miscommunication by new personnel at the facility. Can this violation therefore be resolved manually if the monitoring data was received?*

Monitoring was not conducted. Traditionally our practice was to manually resolve violations such as this that hadn't re-occurred in a 6 month period, however we have been instructed by EPA to not manually resolve violations.